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In re Application of
HIRANO, Satoshi, et al.
Application No.: 09/889,090
PCT No.: PCT/EP00/11250
Int. Filing Date: 10 November 2000
Priority Date: 12 November 1999
Attorney Docket No.: PHJ 99.024
For: LIQUID CRYSTAL DISPLAY
APPARATUS

NOTIFICATION

This is a notification on "Response To Decision On Papers Under 37 CFR 1.42," filed on 15 April 2002.

BACKGROUND

On 10 November 2000, applicants filed international application PCT/EP00/11250, which claimed a priority date of 12 November 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 25 May 2001.

On 11 July 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration signed by the joint inventors, which included an indication that joint inventor Takeo Kamiya is deceased.

On 04 December 2001, the Office mailed Decision On Papers Under 37 CFR 1.42, refusing applicants' request for status under 37 CFR 1.42.

On 30 January 2002, applicants submitted a new declaration signed by Akira Kamiya for deceased inventor Kamiya Takeo.

On 20 February 2002, the Office mailed Decision On Papers Under 37 CFR 1.42, refusing status under 37 CFR 1.42, because the declaration did not comply with 37 CFR 1.497(a)-(b).

On 15 April 2002, applicants resubmitted a copy of the declaration submitted on 11 July 2001.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42. Under 37 CFR 1.497(b)(2):

If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or §1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

Thus, the declaration must list each inventor and each inventors' information, including the information of the deceased inventor and it must also list the legal representative and the representative's information to comply with both 37 CFR 1.42 and 37 CFR 1.497(a)-(b).


Applicants have resubmitted the first declaration submitted on 11 July 2001. Applicants were informed in Decision On Papers Under 37 CFR 1.42, mailed on 04 December 2001, that this declaration failed to comply with either 37 CFR 1.42 or 37 CFR 1.497. It still does not.

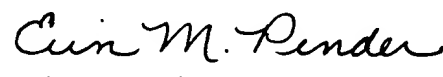
CONCLUSION

For the above reasons, applicants' renewed petition does not constitute a *bona fide* reply.

The time period for reconsideration on the merits of the petition decision mailed on 20 February 2002 continues to run. Applicants were provided a two month extendable time period for reply. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.42."

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of this letter marked to the attention of the Office of PCT Legal Administration.


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